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SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**TWENTY-SECOND LEGISLATIVE DAY
MONDAY, FEBRUARY 2, 2004**

Senate Chamber

President Risch called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senator Noh, absent and formally excused by the Chair; and Senator Burkett, absent and excused.

The President announced that the Oath of Office had previously been administered to Acting Senator Dean C. Sorensen, District 18.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Shaylor Anderson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 30, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 2, 2004

The JUDICIARY AND RULES Committee reports that **S 1255, S 1256, S 1257, S 1258, and S 1259** have been correctly printed.

DARRINGTON, Chairman

S 1255 was referred to the Education Committee.

S 1256, S 1257, S 1258, and S 1259 were referred to the Commerce and Human Resources Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointment of Suzanne Budge Schaefer was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stegner, seconded by Senator Kennedy, the Gubernatorial appointment of Suzanne Budge Schaefer as a member of the Hazardous Waste Facility Siting License Application Review Panel was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Burkett was recorded present at this order of business.

S 1260

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO LAW ENFORCEMENT AND FIREFIGHTING MEDAL OF HONOR; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 88, TITLE 67, IDAHO CODE, TO ESTABLISH THE IDAHO LAW ENFORCEMENT AND FIREFIGHTING MEDAL OF HONOR, TO PROVIDE FOR THE CREATION OF A COMMISSION, TO SET FORTH MEMBERSHIP, TO PROVIDE FOR COMMISSION POSITIONS, TO REQUIRE COMMISSION MEETINGS, TO AUTHORIZE THE PROMULGATION OF RULES, TO PROVIDE FOR THE AWARDING OF THE MEDAL OF HONOR, TO PROVIDE FOR POSTHUMOUS AWARDS, TO SET FORTH THE DESIGN OF THE MEDAL, TO PROVIDE FOR THE PAYMENT OF THE COST OF THE MEDAL AND TO PROVIDE THAT THE FAMILY OF A RECIPIENT MAY REQUEST A SECOND MEDAL.

S 1261

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CHILD CUSTODY; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-717E, IDAHO CODE, TO PROVIDE FACTORS FOR CONSIDERATION BY A COURT WHEN DETERMINING A PROPOSED RELOCATION OF A CHILD WITH A CUSTODIAL PARTY.

S 1262**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO PAROLE; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-228A, IDAHO CODE, TO PROVIDE THAT FOR THE PURPOSE OF ASSISTING WITH APPREHENDING INDIVIDUALS WHO HAVE ABSCONDED AND FOR WHOM THE PAROLE COMMISSION HAS ISSUED A WARRANT OF ARREST, THE DIRECTOR OF THE DEPARTMENT OF CORRECTION, OR HIS AUTHORIZED REPRESENTATIVE SHALL HAVE THE POWER TO ISSUE A SUBPOENA DUCES TECUM TO COMPEL THE PRODUCTION OF CERTAIN RECORDS AND TO PROVIDE PROCEDURES.

S 1263**BY JUDICIARY AND RULES COMMITTEE****AN ACT**

RELATING TO THE SEXUAL OFFENDER REGISTRATION AND NOTIFICATION ACT; AMENDING SECTION 18-8303, IDAHO CODE, TO FURTHER DEFINE THE TERM "VIOLENT SEXUAL PREDATOR"; AMENDING SECTION 18-8314, IDAHO CODE, TO PROVIDE THAT THE SEXUAL OFFENDER CLASSIFICATION BOARD MAY CONSIDER REVIEWING REFERRED OFFENDERS FOR VIOLENT SEXUAL PREDATOR DESIGNATION AND TO PROVIDE FOR FEDERAL AND TRIBAL COURTS TO MAKE REFERRALS TO THE BOARD; AMENDING SECTION 18-8315, IDAHO CODE, TO CLARIFY THAT PUBLIC RECORDS REQUESTS REGARDING VIOLENT SEXUAL PREDATOR DETERMINATIONS SHALL BE MADE TO THE SEXUAL OFFENDER CLASSIFICATION BOARD AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 18-8317, IDAHO CODE, TO PROVIDE THAT A REFERRED OFFENDER WHOM THE BOARD DEEMS IS APPROPRIATE FOR REVIEW FOR VIOLENT SEXUAL PREDATOR DESIGNATION SHALL SUBMIT TO PSYCHOSEXUAL EVALUATION AND TO REVISE CRITERIA AND PROCEDURES; AMENDING SECTION 18-8319, IDAHO CODE, TO REVISE CRITERIA TO DETERMINE WHICH COURT IS APPROPRIATE TO HEAR CHALLENGES TO VIOLENT SEXUAL PREDATOR DESIGNATIONS, AND TO PROVIDE FOR A DISTRICT COURT TO HEAR CHALLENGES TO VIOLENT SEXUAL PREDATOR DESIGNATIONS IN CASES WHERE THE OFFENDER INTENDS TO RESIDE IN ANOTHER STATE; AND DECLARING AN EMERGENCY.

S 1264**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO LOCAL LIQUOR STORES AND DISTRIBUTING STATIONS; AMENDING SECTION 23-307, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE PROHIBITION ON SALES OR DELIVERY OF ANY ALCOHOLIC LIQUOR IN, ON, OR FROM THE PREMISES OF ANY STATE LIQUOR STORE OR DISTRIBUTING STATION ON SUNDAYS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

23-308, IDAHO CODE, TO PROVIDE FOR THE SALE OR DELIVERY OF ANY ALCOHOLIC LIQUOR IN, ON, OR FROM THE PREMISES OF ANY STATE LIQUOR STORE OR DISTRIBUTING STATION IN A COUNTY ON ANY SUNDAY WHICH DOES NOT FALL ON CHRISTMAS DAY BY RESOLUTION OF THE COUNTY COMMISSIONERS, OR BY A LOCAL OPTION COUNTY ELECTION HELD FOR THE PURPOSE OF DETERMINING WHETHER SUCH SALES SHALL BE ALLOWED; AMENDING CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-308A, IDAHO CODE, TO PROVIDE FOR THE FORM OF THE LOCAL OPTION COUNTY ELECTION BALLOT; AMENDING CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-308B, IDAHO CODE, TO PROVIDE FOR THE EFFECT OF A LOCAL OPTION COUNTY ELECTION; AND AMENDING CHAPTER 3, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-308C, IDAHO CODE, TO PROVIDE FOR SUBSEQUENT LOCAL OPTION COUNTY ELECTIONS.

S 1265**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO ELECTION OF SCHOOL BOARD TRUSTEES; AMENDING SECTION 33-502B, IDAHO CODE, TO INCREASE THE TIME BEFORE AN ELECTION WHEN AN ELECTION MAY BE CANCELED DUE TO THE FILING OF A SINGLE CANDIDATE.

S 1260, S 1261, S 1262, S 1263, S 1264, and S 1265 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 504, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen (Sorensen), Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noh. Total - 1.

Total - 35.

Whereupon the President declared **H 504** passed, title was approved, and the bill ordered returned to the House.

H 514 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen (Sorensen), Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Gannon, Noh. Total - 2.

Total - 35.

Whereupon the President declared **H 514** passed, title was approved, and the bill ordered returned to the House.

S 1239 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen (Sorensen), Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Noh. Total - 1.

Total - 35.

Whereupon the President declared **S 1239** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12 noon until the hour of 10:30 a.m., Tuesday, February 3, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary